

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

IVELISSE DIAZ AGOSTO
Debtors

DLJ MORTGAGE CAPITAL, INC.
Movant

JOSE RAMON CARRION MORALES
Chapter 13 Trustee

Respondents

Case No. 16-03238 BKT

Chapter 13

JOINT MOTION FOR STIPULATION AGREEMENT

TO THE HONORABLE COURT:

COMES NOW PARTIES HEREIN, movants **DLJ MORTGAGE CAPITAL, INC.** (hereinafter **DLJ**), and debtor **Ivelisse Diaz Agosto**, through their undersigned counsels of record and before this court most respectfully state and pray as follows:

1. On December 23rd, 2016, secured creditor DLJ, filed a motion for relief from automatic stay alleging post-petition arrears due on its secured claim. Docket 26.
2. Several hearings regarding the motion for relief from stay have been scheduled, a final hearing was scheduled for January 11th, 2017 at 9:00 am.
3. As of the day of the filing of the present stipulation Debtor has filed a proposed Amended Chapter 13 Payment Plan, docket number 72, which is pending confirmation.
4. Counsels representing the parties in interest of the above caption have discussed the matters regarding this case and have agreed to the following:
 - a. The parties acknowledge that the debtor is in a loss mitigation evaluation process, that an alternative was approved, but that due to the passage

of hurricane Maria debtor was unable to make the payments under the trial, nonetheless, conversations regarding loss mitigation evaluation are still being held;

b. The parties mutually agree that debtor will provide DLJ servicing agent, Select Portfolio Servicing, Inc. with all the necessary information for a final evaluation within a term of no more than (60) days,

c. DLJ is aware that debtor has filed an Amended Chapter 13 Payment Plan, docket 72, and hereby informs that there is no objection from its part for confirmation of said plan;

d. Debtor, hereby acknowledges that if a loss mitigation alternative is not materialized with DLJ, she consents to the lift of stay in its favor as there is no provisions in the Amended Chapter 13 Payment Plan for payments of its claim;

e. The parties agree that if a modification alternative is approved a motion will be filed to inform this Court;

f. If debtor is not granted a loss mitigation alternative the stay will be automatically lifted without the need of further hearings.

5. The content and request in this motion have been discussed with debtor's counselor, who consents to the request made herein.

WHEREFORE, Parties hereby respectfully request that this Court take notice of the above-mentioned stipulation agreement and enter any order it deems just and necessary.

RESPECTFULLY SUBMITTED.

NOTICE

Within FOURTEEN (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is

against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I HEREBY CERTIFY that on this same date we electronically filed the present motion with the Clerk of the Court using the CM/ECF system which will automatically send notification of such filing to debtor's attorneys.

In Ponce, Puerto Rico this 11th day of January 2018

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